

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 817 - HB 1376**

March 12, 2023

**SUMMARY OF BILL:** Authorizes a student or employee of a public institution of higher education (institution) to file a report of an alleged violation related to a restriction on divisive concepts that occurred at the institution. Requires the institution to maintain the filed report and make the report available for public inspection on the institution's website. Requires the Tennessee Higher Education Commission (THEC) to establish rules which create a process for a person to file such a report and rules that require each institution that receives a report to investigate, and create a corrective action plan for any violations. Adds to the list of divisive concepts that institutions are prohibited from doing to include the use of state funds for fees, dues, subscriptions, or travel in conjunction with the membership, meetings, or activities of an organization that endorses or promotes a divisive concept. Requires institutions to notify new students, faculty, and employees and post restrictions on the institution's website, and to submit to the THEC a report of how this was implemented.

Prohibits an institution from approving or scheduling usage of its property that shows bias or favoritism to a student group for use of the property. Prohibits the institution from requiring a student group to pay fees or security deposits that are not charged to all other student groups or from denying access to student groups to the property if it is routinely used by other student groups. Clarifies that an institution is still authorized to ban demonstrations, or gatherings related to violations of obscenity.

Requires each public institution of higher education to publish a current syllabus for each course offered in the current semester on the institution's website no later than the seventh business day following the first day of class for the respective semester so that it can be assessed. Requires the syllabi published to include certain specific information including final grades of the three most recent semesters. Requires an employee at an institution whose job duties include diversity, equity, or inclusion to allocate 50 percent of employee duties to mentoring, providing academic coaching, and providing related learning support activities necessary for the academic success of students who are eligible to receive a federal Pell grant.

Authorizes THEC to require public institutions of higher education to submit specific student data and information requested by THEC in a standardized format to allow THEC to assess the extent to which learning outcomes may have been affected by the inclusion of a divisive concept in the student learning experience.

## **FISCAL IMPACT:**

### **Increase State Expenditures –**

**\$1,536,200/FY23-24/Locally Governed Institutions  
\$1,496,200/FY24-25 and Subsequent Years/  
Locally Governed Institutions**

**\$680,900/FY23-24/University of Tennessee System  
\$305,900/FY24-25 and Subsequent Years/  
University of Tennessee System**

**\$914,800/FY23-24 and Subsequent Years/  
Tennessee Board of Regents**

**\$100,600/FY23-24 and Subsequent Years/  
Tennessee Higher Education Commission**

### **Assumptions:**

- The Tennessee Board of Regents (TBR), University of Tennessee (UT), and each of the locally governed institutions (LGIs) can comply with the prohibitions relative to divisive concepts, can maintain reports of violations of divisive concepts, can create a corrective action plan, and can meet THEC reporting requirements within existing resources.
- Pursuant to Tenn. Code Ann. § 49-7-2405, the *Campus Free Speech Protection Act* would cover the prohibitions relative to institutions showing favoritism and bias. The provisions of the legislation would further solidify freedom of speech relative to campus guest speakers, student group activities, student use of property in which each institution is currently complying with under the Act and can continue to do so under this legislation.
- Requiring each institution to publish a current syllabus including the final grades for each of the three most recent semesters for each course offered in the current semester at the institution on the institution's website no later than the seventh business day following the first day of class for the respective semester cannot be done within existing resources.
- Institutions do not currently publish syllabi and the required details outlined in the legislation or course grades in a centralized location.

### ***Locally Governed Institutions:***

- Based on information provided by five of the six locally governed institutions (LGIs) each LGI would need two new positions to catalog and coordinate the syllabi and grades, one new position for IT personnel to manage the new database and publish the information, and a one-time purchase of new software to develop such a database.
- A total of 18 additional positions (6 IT Personnel positions, 12 Academic Personnel positions) beginning in FY23-24.
- There will be a one-time cost of \$240,000 (\$40,000 software x 6 LGIs) for software.

- There will be a recurring increase in state expenditures of \$1,496,232  $\{[(\$85,000 \text{ salary} + \$21,444 \text{ benefits}) \times 6 \text{ IT Personnel positions}] + [(\$55,000 \text{ salary} + \$16,464 \text{ benefits}) \times 12 \text{ Academic Personnel positions}]\}$  in FY23-24 subsequent years.
- A total increase in state expenditures of \$1,536,232 (\$1,496,232 + \$40,000) in FY23-24.
- There will be a recurring increase in state expenditures of \$1,496,232 in FY24-25 and subsequent years.

*University of Tennessee:*

- Based on information provided by the University of Tennessee (UT) the proposed legislation cannot be accommodated within existing resources. UT will require one-time software development cost for each of the five campuses of \$75,000.
- There will be a one-time increase in state expenditures associated with each campus estimated to be \$375,000 (\$75,000 x 5 campuses).
- A total of four additional positions at four campuses and a recurring cost of \$20,000 for part-time staff at the UT Health Science Center (UTHSC) center in order to comply with syllabi and grade database requirements.
- There will be a recurring increase in state expenditures of \$305,856  $\{[(\$55,000 \text{ salary} + \$16,464 \text{ benefits}) \times 4 \text{ Academic Personnel positions}] + [(\$20,000 \text{ UTHSC}) \times 1 \text{ position}]\}$  in FY23-24 and subsequent years.
- A total increase in state expenditures of \$680,856 (\$305,856 + \$375,000) in FY23-24.
- There will be a recurring increase in state expenditures of \$305,856 in FY24-25 and subsequent years.

*Tennessee Board of Regents:*

- Based on information provided by the Tennessee Board of Regents (TBR), the legislation cannot be accommodated within existing resources. TBR will require one new staff member for each of the 13 community colleges (CC) to catalog, post syllabi, and gather course grade data. Additionally, TBR will require two new positions to gather all such data from a Tennessee College of Applied Technology (TCAT).
- A total of 15 additional positions (13 Academic Personnel positions + 2 Academic Personnel positions) beginning in FY23-24.
- There will be a recurring increase in state expenditures of \$914,832  $\{[(\$45,000 \text{ salary} + \$14,804 \text{ benefits}) \times 13 \text{ Academic Personnel positions CC}] + [(\$52,621 \text{ salary} + \$16,069 \text{ benefits}) \times 2 \text{ Academic Personnel positions TCAT}]\}$  in FY23-24 subsequent years.

*Tennessee Higher Education Commission:*

- Based on information provided by the THEC, the legislation cannot be accommodated within existing resources. THEC would require one new additional institution compliance specialist position to promulgate rules and to ensure compliance for each institution related to divisive concepts.
- There will be a recurring increase in state expenditures of \$100,614  $[(\$80,000 \text{ salary} + \$20,614 \text{ benefits}) \times 1 \text{ institution compliance specialist position}]$  in FY23-24 subsequent years.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/lm